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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

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### Statement of Rep. Henry A. Waxman, Ranking Minority Member Committee on Government Reform Hearing on “The National Pandemic Influenza Preparedness and Response Plan: Is the U.S. Ready for Avian Flu?” November 4, 2005

Thank you, Chairman Davis, for calling today’s hearing on the serious public health threat of a potential global influenza pandemic. Under your leadership, this will be the Committee’s seventh hearing related to a flu pandemic.

As those who have followed our hearings know, I have been extraordinarily critical of the Administration’s failure to prepare for a pandemic. Recently, my staff put together an analysis of the delays and mistakes that have characterized the federal effort over the last five years. I ask that this analysis be made part of the record.

What we document is that the Department of Health and Human Services and the White House have ignored report after report and warning after warning.

Four years ago, the Institute of Medicine urged the Administration to create a National Vaccine Authority to coordinate a high-level response to a growing crisis in vaccine supply. This was an extraordinary recommendation made by a group of experts that included Dr. Anthony Fauci of the National Institutes of Health. Yet today, these crucial recommendations still have not been implemented.

Three years ago, the National Vaccine Advisory Committee to the Department of Health and Human Services recommended that the Administration enhance incentives to spur vaccine development and support the vaccine market. Yet nothing was done.

The front lines of fighting a flu pandemic are our state and local health departments. But the President’s budget proposals repeatedly tried to cut their funding.

The result is that we have fallen significantly behind in our efforts to protect against the bird flu or other global pandemic. Other nations have released comprehensive plans and purchased significant quantities of antiviral drugs. Because of our delays, we are at the back of the line.

At last, however, some progress is being made. On Tuesday, the President announced a significant new proposal for funding flu vaccine development and procurement. Then on

Wednesday, the Department of Health and Human Services released a detailed plan to guide federal, state, and local preparations.

These are important steps. And even as I wish they had been taken sooner, I commend the President and Secretary Leavitt for acting now. We will all be safer if the events of this week become a turning point.

There are parts of the President's strategy that make a lot of sense. He has proposed investing in the next generation of flu vaccines, which can be produced quickly and safely. He has also released a plan that contains provides important guidance to state and local health departments and laboratories.

But unfortunately, there are also some significant problems

The Administration has given a key role to Department of Homeland Security and FEMA to protect the nation from a localized outbreak of pandemic flu in the United States. But given the abysmal performance of the Department of Homeland Security and FEMA in responding to Hurricane Katrina, this is a huge misjudgment.

Protecting the public from a pandemic is a health problem, and it should be given to the government's health experts.

Another serious problem is inadequate funding. The Administration has produced a detailed plan that instructs local and state governments to perform literally hundreds of tasks to prepare for an influenza pandemic. Yet the Administration is asking Congress for only \$100 million to fund these activities.

And even this \$100 million increase is a phony number. The White House has not retracted its \$130 million cut to state and local health departments. Moreover, the Administration is also asking states and localities to spend \$510 million of their own money to purchase antiviral medications.

As one health department director put it, "There seems to be a lack of connection between the strategy and recognition of what it takes to pull off these plans on the ground."

A third problem is the Administration's plan to shield vaccine manufacturers from liability without providing any meaningful compensation for people injured by the vaccine. We learned during the Administration's failed efforts to vaccinate several million health care workers, firefighters, and other first responders that liability shields will not work unless those who might be injured by a vaccine know they will receive compensation. Yet the Administration is poised to make the same mistake all over again.

These are serious problems, but they can be fixed. I look forward to discussing these issues with Secretary Leavitt today, and I thank him for his appearance. I hope this oversight hearing produces real improvements in public health preparedness for the benefit of the American people.